

DECLARATION, POWER OF ATTORNEY, AND PETITION

Attorney Docket No.: HOE-593

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

LOCKING MECHANISM FOR A BONE SCREW

the specification of which is:

☒ attached hereto

☐ was filed on _____ as United States Application Number _____ or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed:

(Number)	(Country)	Month/Day/Year Filed	Priority Claimed <input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	Month/Day/Year Filed	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/262,968

January 19, 2001

(Application Number)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s); or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application
or PCT Parent Number

Parent Filing Date
(MM/DD/YYYY)

Parent Patent Number
(if applicable)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from Hoeger, Stellrecht & Partners, Uhlandstr. 14 c, D-70182, Stuttgart, Germany, as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

And I hereby appoint: Barry R. Lipsitz, Registration No. 28,637 and Douglas M. McAllister, Registration No. 37,886, both of the firm of Barry R. Lipsitz, Attorney at Law, 755 Main Street, Bldg. 8, Monroe, Connecticut 06468, Telephone (203) 459-0200, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of first inventor: Jens BEGER

Inventor's Signature Jens Bege Date: November 26th, 2001
Residence Tuttlingen Germany Citizenship: Germany
(City) (State or Foreign Country)
Post Office Address: Schlehenhweg 7, D-78532 Tuttlingen, Germany
(Post Office Address) (City) (State & Zip Code/Country)

Full name of second inventor: Rudolf ZEPF

Inventor's Signature Rudolf Zepf Date: 26.11.2001
Residence Wurmlingen Germany Citizenship: Germany
(City) (State or Foreign Country)
Post Office Address: Roemerweg 21, D-78573 Wurmlingen, Germany
(Post Office Address) (City) (State & Zip Code/Country)

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Full name of third inventor: Rudolf BEISSE

Inventor's Signature

Rudolf Beisse

Date:

November 26th, 2001

Residence Murnau
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Germany
(State or Foreign Country)

Citizenship: Germany

Post Office Address:

BG Unfallklinik Murnau

Prof. - Kuentscher-Strasse 8, D-82418 Murnau, Germany

(Post Office Address)

(City)

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Full name of fourth inventor:

Michael POTULSKI

Inventor's Signature

Michael Potulski

Date:

NOVEMBER 26th, 2001

Residence Murnau
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Germany
(State or Foreign Country)

Citizenship: Germany

Post Office Address:

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Prof. - Kuentscher-Strasse 8, D-82418 Murnau, Germany

(Post Office Address)

(City)

(State & Zip Code/Country)

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, I/we the undersigned,

Jens BEGER, Rudolf ZEPF, Rudolf BEISSE and Michael POTULSKI

who, has/have created a certain invention for which an application for United States Letters Patent has been:

☒ **executed concurrently herewith**

☐ **filed on _____ and assigned application number _____ and is entitled:**

LOCKING MECHANISM FOR A BONE SCREW

Do hereby sell, assign and transfer to:

AESCULAP AG & Co. KG

referred to herein as "Assignee", whose address is:

**Am Aesculap-Platz
D-78532 Tuttlingen
Federal Republic of Germany**

its successors, assigns, and legal representatives, the full and exclusive right to said invention and said application and to any and all inventions described in said application for the United States, its territorial possessions and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States, its territorial possessions and all foreign countries; and in and to any and all continuations-in-part, continuations, divisions, substitutes, reissues, extensions thereof, and all other applications for Letters Patent relating thereto (including prior filed provisional applications) which have been or shall be filed in the United States, its territorial possessions and/or any foreign countries, and all rights, together with all priority rights, under any of the international conventions, unions, agreements, acts, and treaties, including all future conventions, unions, agreements, acts, and treaties;

Agree that Assignee may apply for and receive in its own name Letters Patent for said invention and said inventions, hereinafter referred to as said invention, in the United States, its territorial possessions, and all foreign countries; and that, when requested to carry out in good faith the intent and purpose of this assignment at the expense of said Assignee, its successors, assigns and legal representatives, the undersigned will execute all continuations-in-part, continuations, divisions, substitutes, reissues, and extensions thereof, execute all rightful oaths, assignments, powers of attorney and other papers, testify in any legal or quasi legal proceedings; communicate to said Assignee, its successors, assigns, and legal representatives all facts known to the undersigned relating to said invention and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or legal representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said invention and for vesting title to said invention and all applications for patents on said invention in said Assignee, its successors, assigns and legal representatives; and

Application No.:

Title of Invention: LOCKING MECHANISM FOR A BONE SCREW

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

IN TESTIMONY WHEREOF, I/we have hereunto set my/our signature(s) on the date(s) indicated below.

Elke Eilber

(Witness) Signature

Elke Eilber

Name of Witness Printed

Elke Eilber

(Witness) Signature

Elke Eilber

Name of Witness Printed

Jens Beger

(Witness) Signature

Jens Beger

Name of Witness Printed

Jens Beger

(Witness) Signature

Jens Beger

Name of Witness Printed

Jens Beger (L.S.)
Jens BEGER

November 26th, 2001
Date

Rudolf Zepf (L.S.)
Rudolf ZEPF

November 26th, 2001
Date

Rudolf Beisse (L.S.)
Rudolf BEISSE

November 26th, 2001
Date

Michael Potulski (L.S.)
Michael POTULSKI

NOVEMBER 26th, 2001
Date